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RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the
18th November, 1964:—

BILL No. XXVII OF 1964

A Bill further to amend the Indian Trade Unions Act, 1926.

BE it enacted by Parliament in the Fifteenth Year of the
Republic of India as follows:—

1. (1) This Act may be called the Indian Trade Unions (Amend- Short title
ment) Act, 1964 and
commence-

(2) It shall come into force on such date as the Central Govern- ment.
ment may, by notification in the Official Gazette, appoint.

16 of 1926.

2. Throughout the Indian Trade Unions Act, 1926 (hereinafter Substitu-
referred to as the principal Act), except in sub-section (4) of sec- tion of
tion 28 thereof, for the words "officer" and "officers", wherever they "office-
occur, the words "office-bearer" and "office-bearers" shall res- bearer"
pectively be substituted. and
"office-
bearers"
for
"officer"
and "offi-
cers".

3. In sub-section (1) of section 1 of the principal Act, the word Amend-
"Indian" shall be omitted. ment of
section 1.

4. In section 21 of the principal Act, the proviso shall be omitted. Amend-
ment of
section 21.

Insertion
of new
section
21A.

5. After section 21 of the principal Act, the following section shall be inserted, namely:—

Disqualifi-
cations of
office-
bearers of
Trade
Unions.

“21A. (1) A person shall be disqualified for being chosen as, and for being, a member of the executive or any other office-bearer of a registered Trade Union if—

(i) he has not attained the age of eighteen years;

(ii) he has been convicted by a Court in India of any offence involving moral turpitude and sentenced to imprisonment, unless a period of five years has elapsed since his release.

(2) Any member of the executive or other office-bearer of a registered Trade Union who, before the commencement of the Indian Trade Unions (Amendment) Act, 1964, has been convicted of any offence involving moral turpitude and sentenced to imprisonment, shall on the date of such commencement cease to be such member or office-bearer unless a period of five years has elapsed since his release before that date.”.

Amend-
ment of
section 28.

6. In section 28 of the principal Act, in sub-section (1), for the word “March”, wherever it occurs, the word “December” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Indian Trade Unions Act, 1926 does not debar even persons convicted of offences involving moral turpitude, from being office-bearers in registered Trade Unions. Consequently persons convicted in criminal courts for such offences under the Indian Penal Code have been appearing before the courts of the Commissioners for Workmen's Compensation, the authorities under the Payment of Wages Act, 1936 and other allied Acts, as office-bearers of registered Trade Unions, taking advantage of the special provisions under those Acts which permit officials of registered Trade Unions to appear on behalf of the applicants. In order to stop this abuse, it is proposed to amend the Indian Trade Unions Act, 1926 so as to disqualify any person who has been convicted by a Court in India of any offence involving moral turpitude, from becoming or continuing as a member of the executive or any other office-bearer of a registered Trade Union unless a period of five years has elapsed from the date of his release. This proposal was also approved by the Standing Labour Committee.

2. As almost all the labour statistics relate generally to the calendar year, section 28 of the Indian Trade Unions Act, 1926 is also being amended so as to provide for submission of all annual returns by registered Trade Unions on a calendar year basis.

3. The word "officer" is not considered appropriate in the case of Trade Unions and is, therefore, proposed to be substituted by the word "office-bearer".

4. The Bill seeks to give effect to the above proposals.

D. SANJIVAYYA.

NEW DELHI;
The 2nd November, 1964.

B. N. BANERJEE,
Secretary.

